

# REDISTRICTING OVERVIEW FOR LOCAL GOVERNMENT ATTORNEYS

Presented To



## SC Municipal Attorneys Association December 4, 2020



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# Topics

- Who is RFA?
- What is redistricting?
- Why is redistricting necessary?
- When is redistricting required?
- Who has to redistrict?
- How do we redistrict?
- How does a local government attorney help?



# WHO IS RFA?



# RFA

- SC Revenue and Fiscal Affairs Office
- Official State Contact with Census



**SOUTH CAROLINA  
REVENUE AND FISCAL AFFAIRS OFFICE**

CHAD WALLDORF, Chairman  
HOWELL CLYBORNE, JR.  
EMERSON F. GOWER, JR.

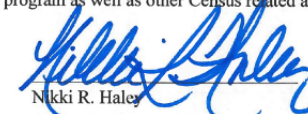
FRANK A. RAINWATER  
Executive Director


January 27, 2015


Mr. John Thompson  
U.S. Census Bureau  
Washington, DC 20233-0001

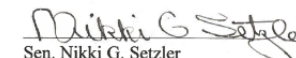
Dear Mr. Thompson,


Our state is looking forward to participating in the planning for the 2020 Census. We are establishing the staff at the S.C. Revenue and Fiscal Affairs Office as our non-partisan liaison to work on the geographic programs of the 2020 Census Redistricting Data Program. This office was previously part of the Budget and Control Board as the Office of Research and Statistics and has a lengthy history of working with the Census Bureau on the Redistricting Data Program. South Carolina participated in all phases of the Redistricting Data Program for the 2010 Census and we expect to do the same for the 2020 Census. The primary contact for the program will be Mr. Will Roberts ([Will.Roberts@rfa.sc.gov](mailto:Will.Roberts@rfa.sc.gov), 803-734-8923). We look forward in working with the Census Bureau on this program as well as other Census related activities.

  
Nikki R. Haley  
Governor of South Carolina

  
Sen. Harvey S. Peeler, Jr.  
Senate Majority Leader

  
Rep. Bruce Bannister  
House Majority Leader

  
Sen. Nikki G. Setzler  
Senate Minority Leader

  
Rep. J. Todd Rutherford  
House Minority Leader

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# RFA Legislative Mandates and Services

- Maintain official precinct maps (SC Code of Laws §7-7-30 et al.)
  - Legislative and local assistance
- Coordination with other mapping programs
  - Jury Areas (SC Code of Laws §22-2-30)
  - Transportation Network Company (SC Code of Laws §58-23-1610)
  - Incorporation (SC Code of Regs 113-200(A))
- Coordination with the Census
  - Prep Work - experience with developing the details
  - Group Quarters estimates
- Historical experience and training

# Prep Work - Local Update of Census Addresses (LUCA)

- Census address list updated by local government
- RFA provides technical help if needed
- South Carolina modified or added over 1 million addresses for the 2010 Census
- Extremely important part of the 2020 Pre-Census programs



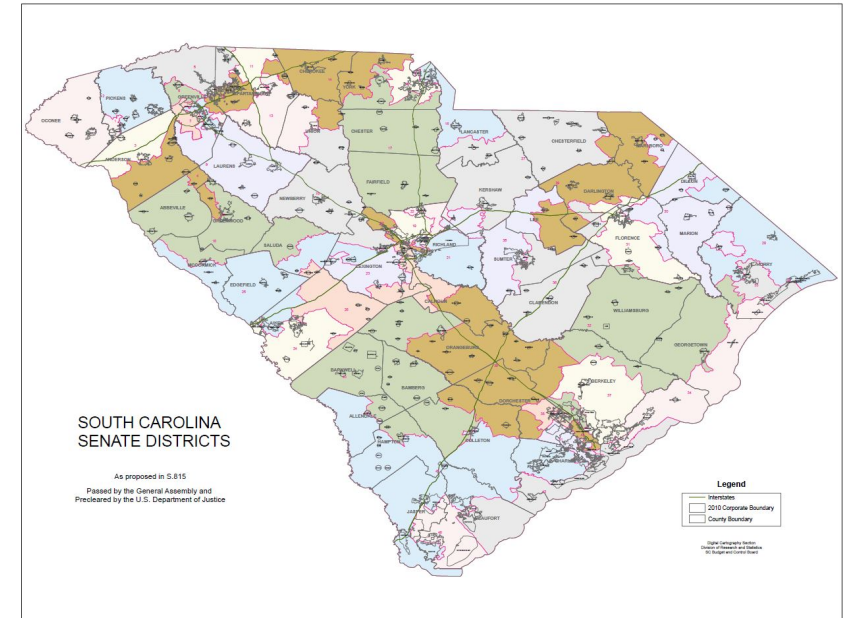
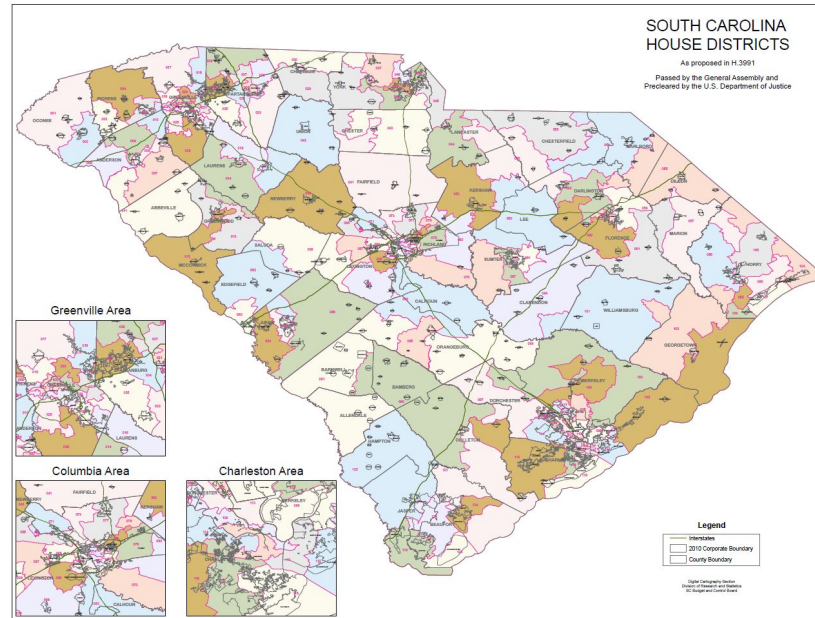
# Prep Work - Boundary and Annexation Program

- Why is BAS important?
  - To get the correct revenue and representation
  - To conduct accurate elections



# RFA Redistricting Services

- RFA is providing a service and not legal advice or representation
- RFA services performed in accordance with redistricting law and principles





# WHAT IS REDISTRICTING?



# Reapportionment vs. Redistricting

- Reapportionment – The reallocation of congressional seats based on total state population. Done after the release of the state population totals based on the latest decennial census.
  - U.S. Const. art. I, §2 sets the apportionment of Congressional seats based on decennial census.
- Redistricting – The redrawing of election district lines to accommodate population changes over the previous decade.



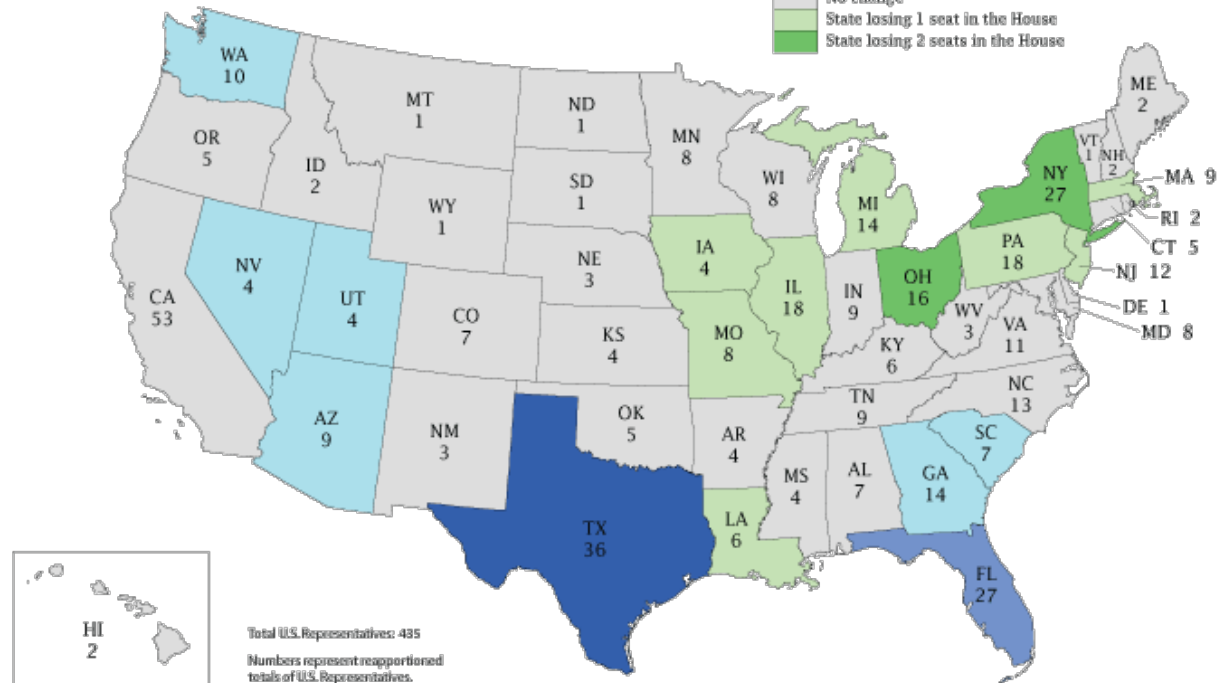
# 2010 Reapportionment Changes



Apportionment of the U.S. House of Representatives  
Based on the 2010 Census

Change from 2000 to 2010

- State gaining 4 seats in the House
- State gaining 2 seats in the House
- State gaining 1 seat in the House
- No change
- State losing 1 seat in the House
- State losing 2 seats in the House



U.S. Department of Commerce

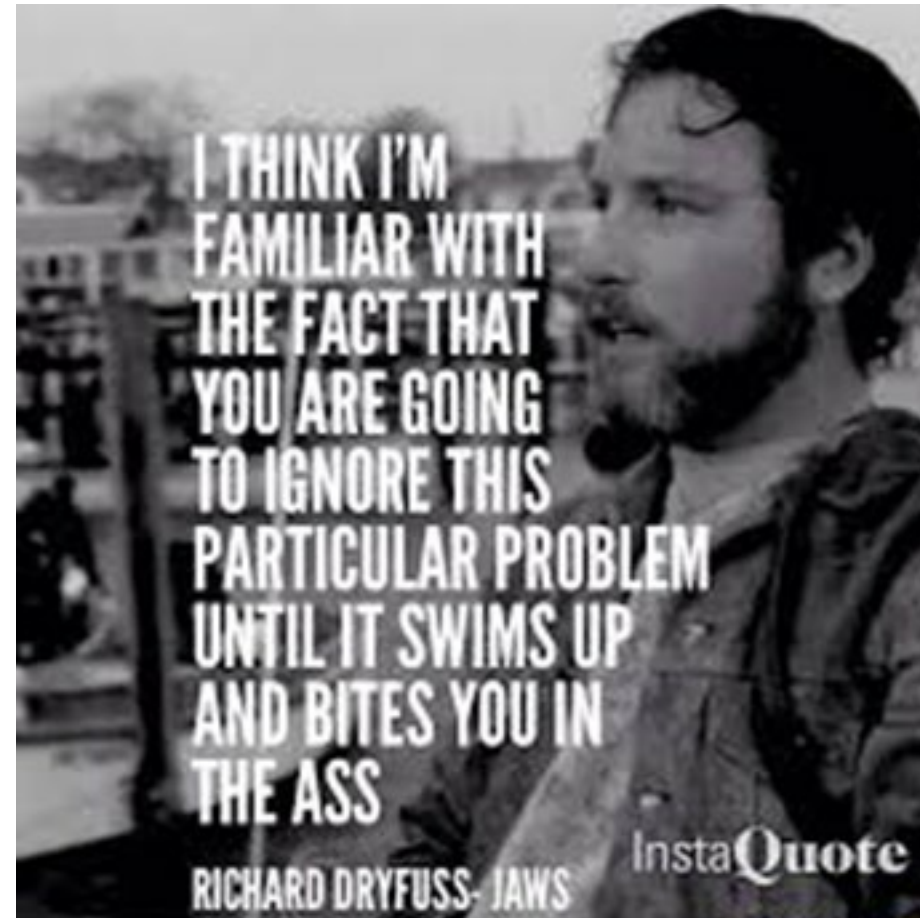
Total U.S. Representatives: 435  
Numbers represent reapportioned totals of U.S. Representatives.

U.S. CENSUS BUREAU  
Mailing Size: 10x14 inches (254x354 mm)



# WHY IS REDISTRICTING NECESSARY?





## One Person, One Vote

- 14th Amendment U.S. Constitution – Equal Protection
- Evenwel v. Abbott (2016) - Total population can be used for satisfying one person, one vote criteria.



# One Person, One Vote – SC Example

- Fraser et.al. v. Jasper County School District (2014)
  - One person, one vote lawsuit under equal protection clause of the Fourteenth Amendment.
  - County delegation had not adopted a redistricting plan since 1997. Skipped 2000 and 2010 Census.
  - Judge enjoined 2014 election and gave the county delegation time to redraw districts. Delegation had until March 2015 to compromise and pass new plan.
  - County delegation could not agree on a compromise plan, so the court drew the plan and ordered a special election.
  - Area of high population growth was divided between two districts to try and balance the population as much as possible between the two districts.



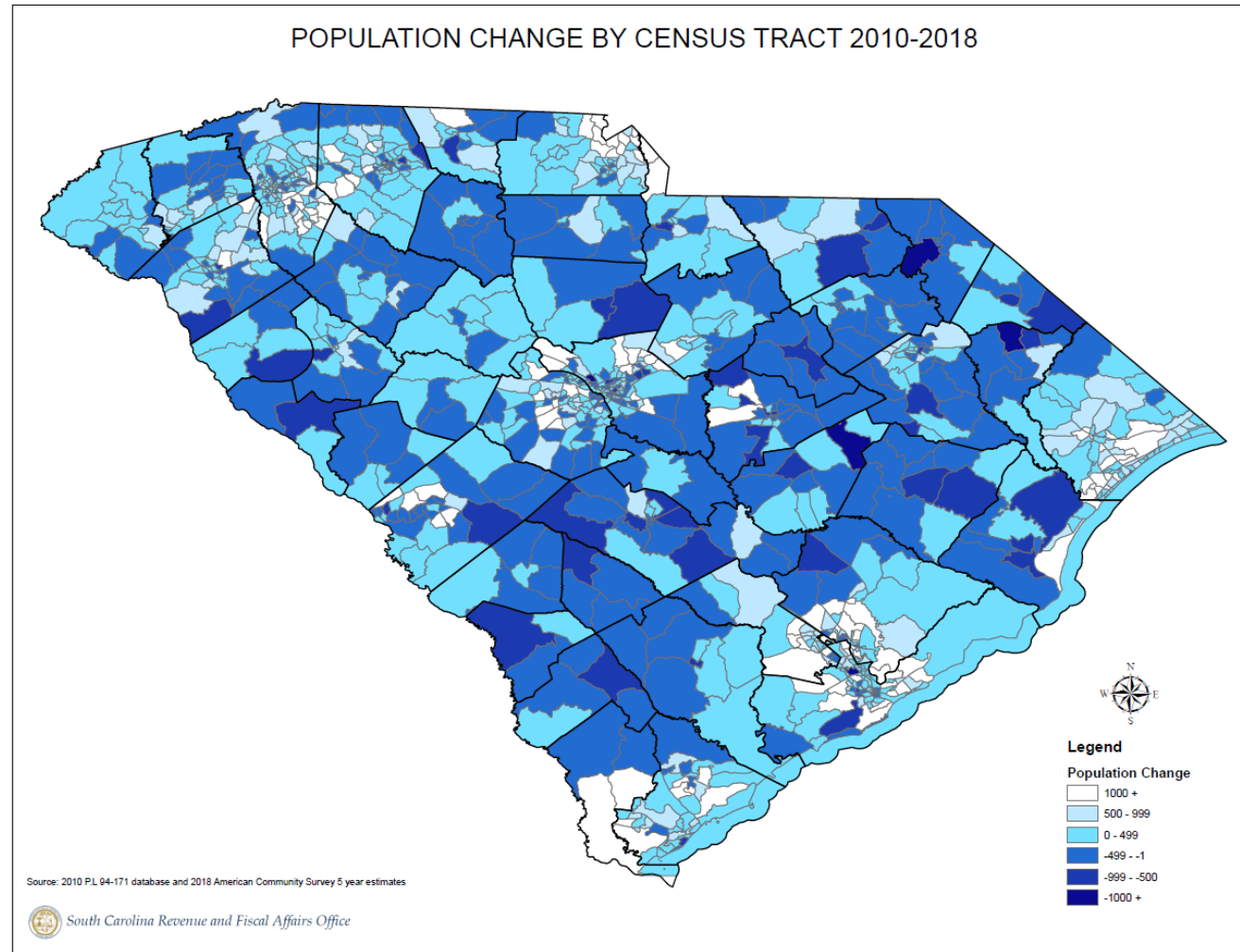
# WHO HAS TO REDISTRICT ?







# Population Changes



# Basic Responsibilities for Redistricting

- What: U.S. Congress
  - Why: Required by the U.S. Constitution
  - Who: Drawn by the S.C. General Assembly
  - How: Bill goes through legislative process and references census blocks in the bill.
  - When: Redistricting is completed before the next general election after the release of the latest decennial census data
- 
- What: S.C. House of Representative and Senate
  - Why: Required by the S.C. Constitution
  - Who: Drawn by each of the individual bodies.
  - How: Bill goes through legislative process and references census blocks in the bill.
  - When: Redistricting is completed before the next general election after the release of the latest decennial census data
- 
- What: County Council
  - Why: Required by the Home Rule Act of 1975
  - Who: Drawn by the council
  - How: Requires three readings with map and/or description passed by ordinance
  - When: Redistricting is completed before the next general election after the release of the latest decennial census data



# Basic Responsibilities for Redistricting

- What: City Council
  - Why: No Statutory time table. Strongly recommended to review latest decennial census numbers
  - Who: Drawn by council
  - How: Requires two readings with map and/or description passed by ordinance
  - When: Redistricting can happen at anytime
- 
- What: School Districts
  - Why: No Statutory time table. Strongly recommended to review latest decennial census numbers
  - Who: Drawn by the legislature
  - How: Bill goes through legislative process and references a map and statistics in the bill.
  - When: Redistricting can happen at anytime the legislature is in session.
- 
- What: special Purpose Districts
  - Why: No Statutory time table. Strongly recommended to review latest decennial census numbers
  - Who: County Council – 1988 Attorney General opinion for single county SPD.
  - How: Requires three readings with map and/or description passed by ordinance
  - When: Redistricting can happen at anytime.



# HOW DO WE REDISTRRICT?

## Tools and Principles



## Tools - The Census, its Timeline and Data

- State counts given to president before December 31, 2020 for reapportionment
- Title 13 amended by P.L. 94-171 requires the redistricting tabulation data be given to the states by April 1st of the following year after a decennial census is taken.
- Population is counted where person is living on this day. This includes students, inmates, military, undocumented immigrants, etc.
- Census data will be released by April 1, 2021
- Data contains many racial fields



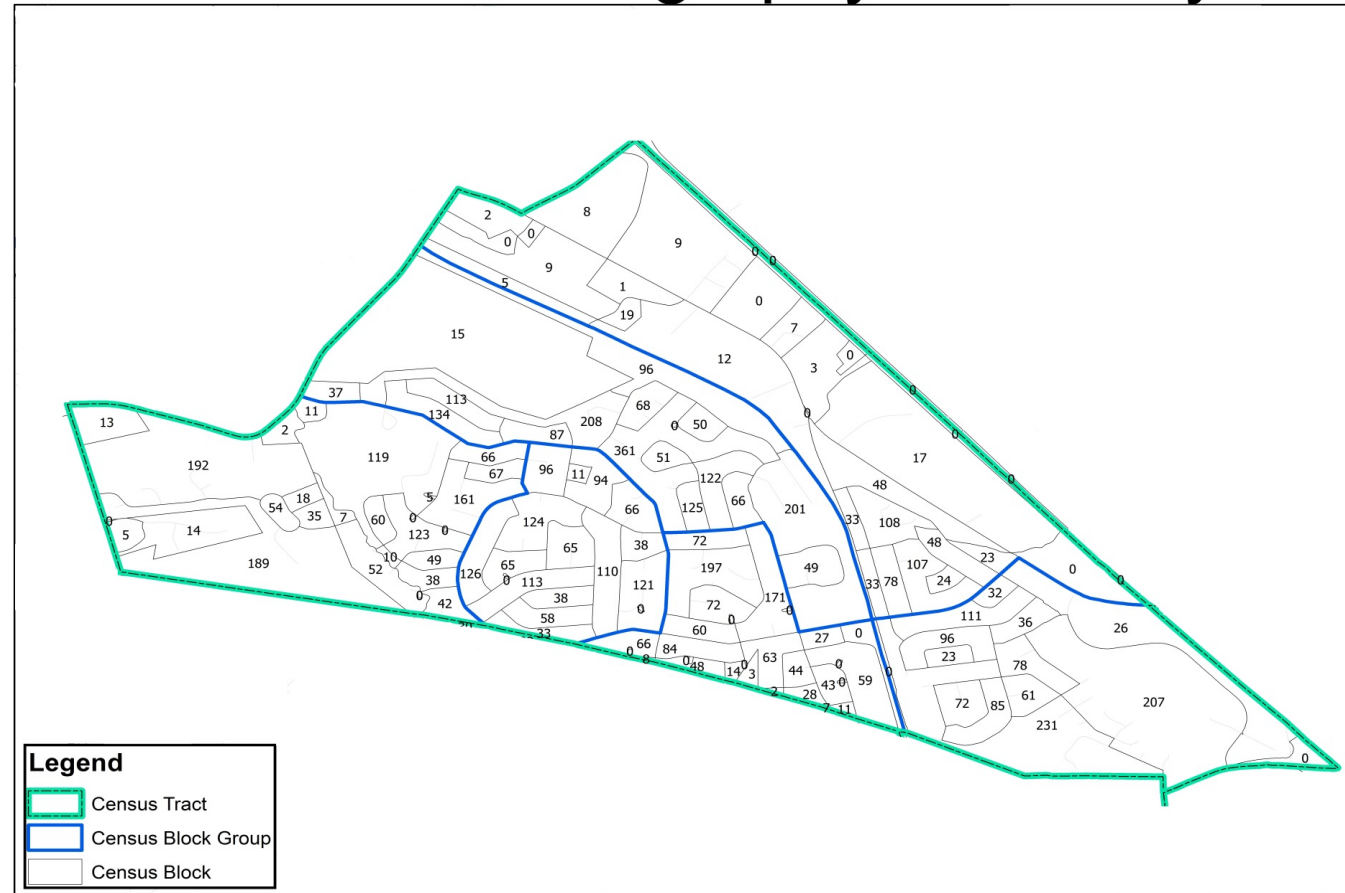
# The Census

The Revenue and Fiscal Affairs Office has adopted the redistricting racial field guidelines as stated by the U.S. Justice Department in the Federal Register Vol.66, No. 12., Thursday, January 18, 2001, reaffirmed in 2011 by the USDOJ Listed are the adopted guidelines.

Field	Details	Formula
Hispanic_O	Hispanic	
NH_WHT	Non-Hispanic White	
NH_DOJ_BLK	Non-Hispanic Black	Non-Hispanic Black + Non-Hispanic WhiteBlack
NH_DOJ_IND	Non-Hispanic American Indian and Alaska Native	Non-Hispanic Indian + Non-Hispanic WhiteIndian
NH_DOJ_ASN	Non-Hispanic Asian	Non-Hispanic Asian + Non-Hispanic WhiteAsian
NH_DOJ_HWN	Non-Hispanic Native Hawaiian and Other Pacific Islander	Non-Hispanic Hawaiian + Non-Hispanic WhiteHawaiian
NH_DOJ_OTH	Non-Hispanic Some Other Race	Non-Hispanic Other + Non-Hispanic WhiteOther
NH_DOJ_OMR	Non-Hispanic Other Multiple Race	Non-Hispanic Multiple Race-NH_WhiteBlack-NH_WhiteIndian-NH_WhiteAsian-NH_WhiteHawaiian-NH_WhiteOther

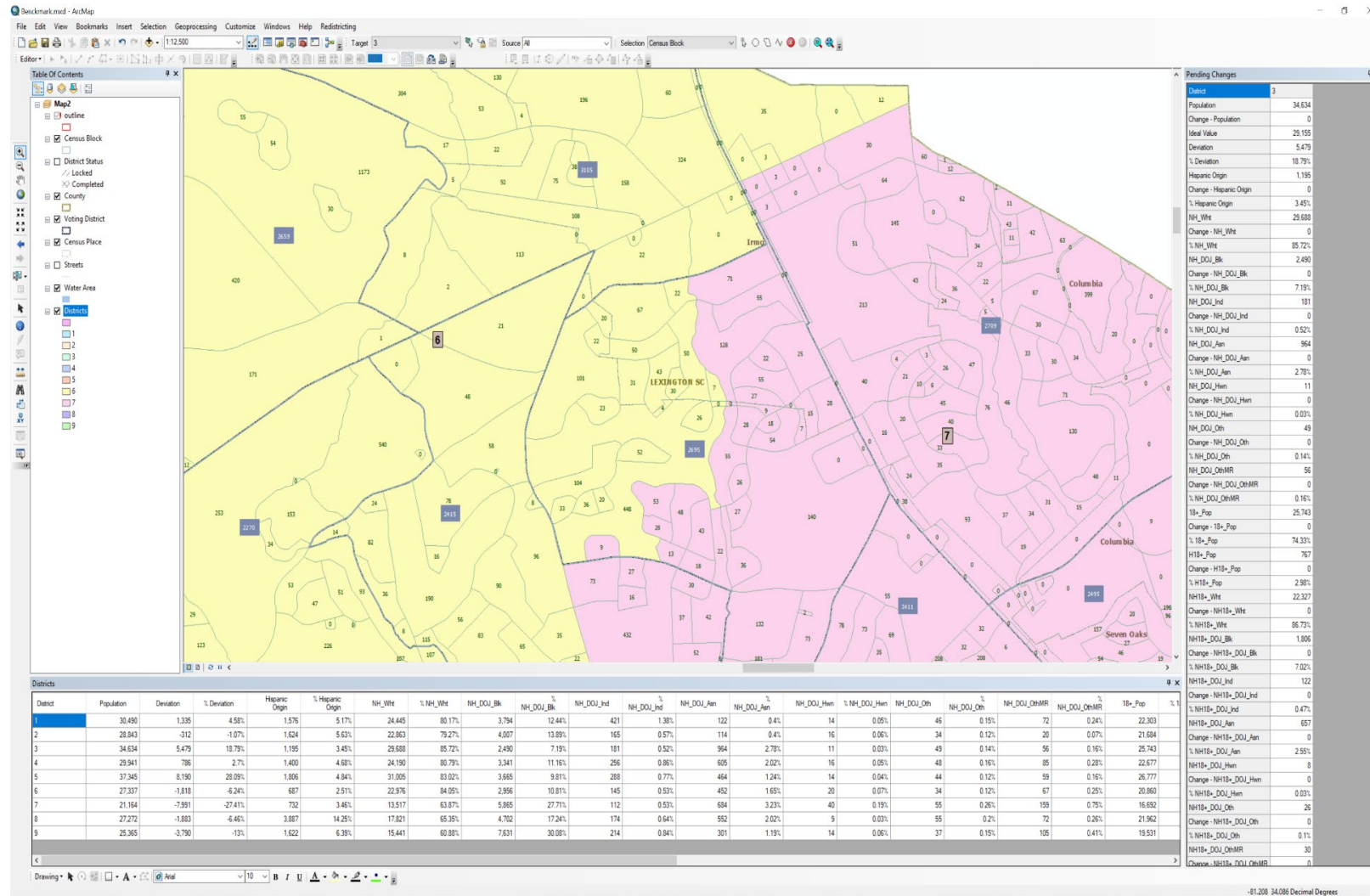
# Census Tract, Block Group, and Block

## Census Geography Hierarchy





# Tools We Use to Draw Maps



## Key Issues – Deviation from One Person One Vote

- Congressional – Strict standard of equality (U.S. Const. art. I, § 2) vs Legislative – Substantial equality (14<sup>th</sup> Amendment Equal Protection Clause)
- Reynolds v. Sims (1964) - State legislative district population variance. State legislative districts, and local government districts are typically drawn to a population variation of less than 10%.
- Home Rule Act 1975 (Act #283) requires county council districts to be redrawn to a population variance under 10%.
- Gaffney v. Cummings (1973) - The 10% rule does not exempt you from a one person, one vote suit.





# Benchmark vs. Court Plan

## Benchmark

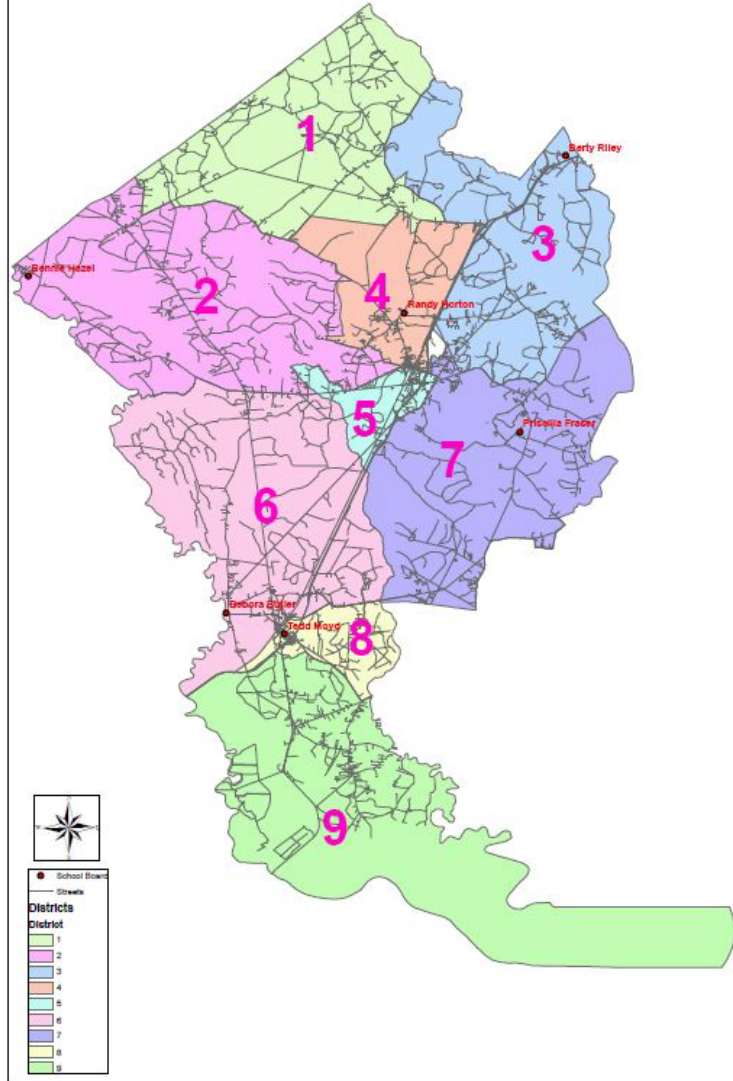
District	Pop	Dev.	%Dev.	Hisp	%Hisp	NH_WHT	%NH_WHT	NH_BLK	%NH_BLK	VAP	H18	%H18	NHWWAP	%NHWWAP	NHBVAP	%NHBVAP	AllOth	AllOthVAP
1	1,959	-648	-24.86%	39	1.99%	931	47.52%	978	49.92%	1,472	28	1.90%	713	48.44%	722	49.05%	11	9
2	2,056	-551	-21.14%	57	2.77%	610	29.67%	1,381	67.17%	1,576	29	1.84%	489	31.03%	1,050	66.62%	8	8
3	2,985	378	14.50%	493	16.52%	905	30.32%	1,557	52.16%	2,117	275	12.99%	740	34.96%	1,082	51.11%	30	20
4	2,509	-98	-3.76%	355	14.15%	1,474	58.75%	655	26.11%	1,877	217	11.56%	1,162	61.91%	482	25.68%	25	16
5	2,380	-227	-8.71%	356	14.96%	873	36.68%	1,124	47.23%	1,708	242	14.17%	699	40.93%	745	43.62%	27	22
6	2,550	-57	-2.19%	709	27.80%	756	29.65%	1,041	40.82%	1,832	452	24.67%	613	33.46%	742	40.50%	44	25
7	3,676	1,069	41.00%	284	7.73%	1,735	47.20%	1,582	43.04%	2,869	194	6.76%	1,453	50.64%	1,160	40.43%	75	62
8	2,474	-133	-5.10%	938	37.91%	631	25.51%	829	33.51%	1,755	625	35.61%	514	29.29%	566	32.25%	76	50
9	2,878	271	10.40%	453	15.74%	1,007	34.99%	1,363	47.36%	2,123	284	13.38%	797	37.54%	1,004	47.29%	55	38
Total	23,467			3,684	15.70%	8,922	38.02%	10,510	44.79%	17,329	2,346	13.54%	7,180	41.43%	7,553	43.59%	351	250
Target	2,607																	
Dev.	High 7 @ 41.00%																	
	Low 1 @ -24.86%																	
	Total: 65.86%																	

## Court Plan

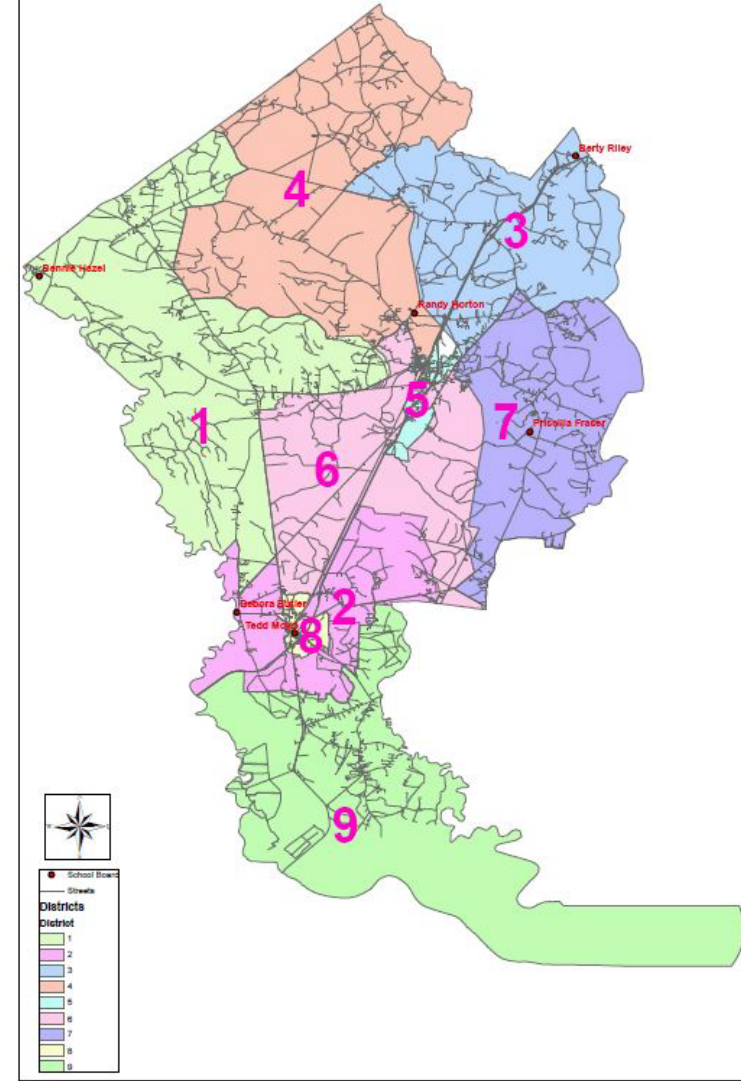
District	Pop	Dev.	%Dev.	Hisp	%Hisp	NH_WHT	%NH_WHT	NH_BLK	%NH_BLK	VAP	H18	%H18	NHWWAP	%NHWWAP	NHBVAP	%NHBVAP	AllOth	AllOthVAP
1	2,608	1	0.04%	127	4.87%	767	29.41%	1,702	65.26%	1,985	73	3.68%	617	31.08%	1,286	64.79%	12	9
2	2,607	0	0%	902	34.60%	969	37.17%	688	26.39%	1,953	590	30.21%	824	42.19%	501	25.65%	48	38
3	2,607	0	0%	434	16.65%	689	26.43%	1,467	56.27%	1,866	245	13.13%	556	29.80%	1,052	56.38%	17	13
4	2,607	0	0%	251	9.63%	1,494	57.31%	844	32.37%	1,945	150	7.71%	1,152	59.23%	627	32.24%	18	16
5	2,608	1	0.04%	276	10.58%	761	29.18%	1,540	59.05%	1,911	189	9.89%	618	32.34%	1,079	56.46%	31	25
6	2,608	1	0.04%	297	11.39%	1,751	67.14%	500	19.17%	1,966	193	9.82%	1,405	71.46%	326	16.58%	60	42
7	2,608	1	0.04%	197	7.55%	1,003	38.46%	1,379	52.88%	1,924	124	6.44%	811	42.15%	972	50.52%	29	17
8	2,607	0	0%	828	31.76%	546	20.94%	1,151	44.15%	1,854	552	29.77%	449	24.22%	800	43.15%	82	53
9	2,607	0	0%	372	14.27%	942	36.13%	1,239	47.53%	1,925	230	11.95%	748	38.86%	910	47.27%	54	37
Total	23,467			3,684	15.70%	8,922	38.02%	10,510	44.79%	17,329	2,346	13.54%	7,180	41.43%	7,553	43.59%	351	250
Target	2,607																	
Dev.	High 1 @ .04%																	
	Low 2 @ 0%																	
	Total: .04%																	



## Jasper School District Benchmark Plan



## Jasper School District Federal Court Plan



## Key Issues - Voting Rights Act, Section 5

- Applied to 9 States as a whole and parts of 6 other states.
- Administrative or Judicial review of plans to comply with Section 5.
  - Any change in election law must be precleared by the U.S. Department of Justice or through a declaratory judgement filed in the United States District Court for the District of Columbia.
- USDOJ would analyze the plan to ensure the plan did not dilute minorities opportunity to elect candidates of choice.
- Shelby v. Holder (2013) - U.S. Supreme Court ruled Section 4(b) of 1965 VRA was unconstitutional. This is the formula for which jurisdictions fall under Section 5 of the 1965 VRA. South Carolina is no longer under the provision of Section 5. Section 5 itself was not ruled upon.
- Shelby does not apply to jurisdictions covered by Section 3(C) of the VRA.



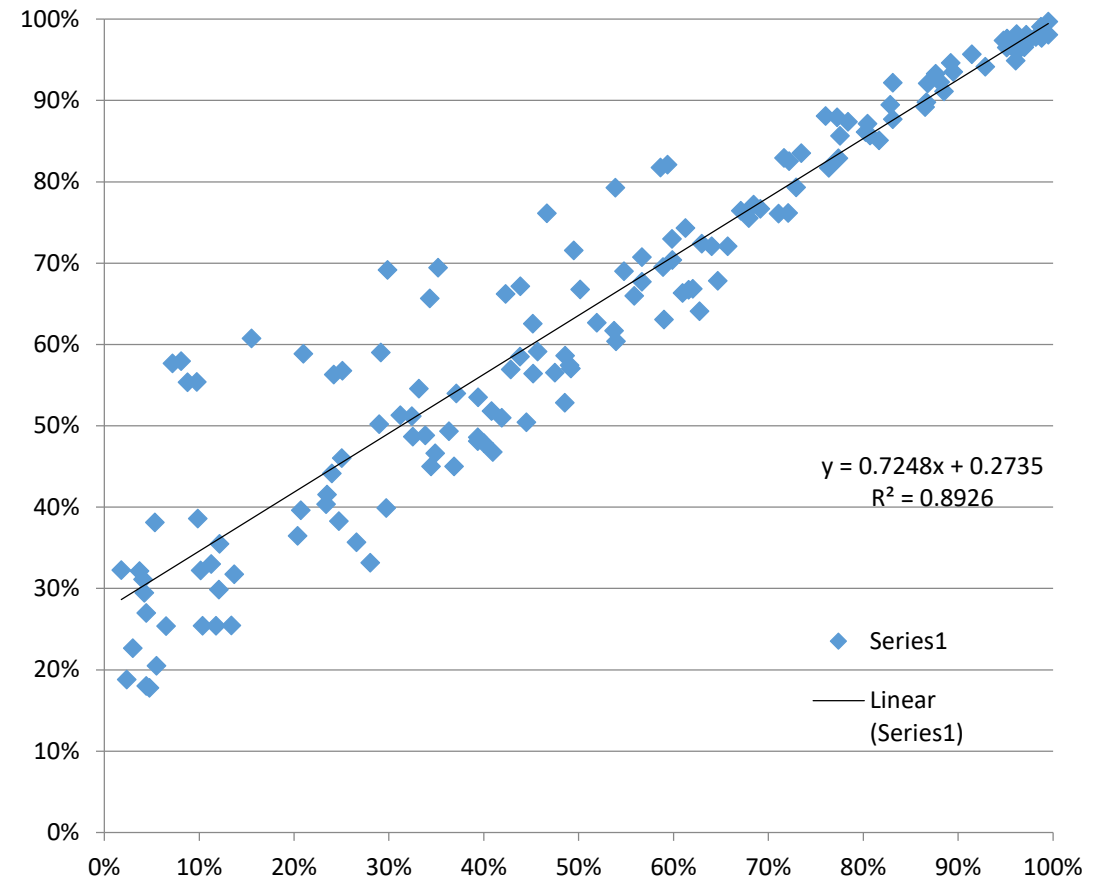
## Key Issues - Voting Rights Act, Section 2



- While South Carolina is no longer under Section 5, we are still under Section 2.
- Section 2 – while the plan did not have the intent on discrimination it has had the effect. Typically multi-member district plans and at-large voting plans, but does also apply to single member district plans. City of Mobile v. Bolden (1980) and then Section 2 amendment in 1982 by Congress.
- Burden of proof of a Section 2 claim on plaintiffs not on defendants
- “Totality of circumstances” must be used in a deciding a Section 2 violation. 52 USC 10301(b)

# Voting Rights Act – 3-prong Test

- Thornburg v. Gingles (1986) – 3 prong test for vote dilution claim.
  - Minority group must be large and geographically compact to draw a majority-minority district. Minority district must be able to be drawn at +50% minority VAP – Bartlett v. Strickland.
  - The minority group must be “politically cohesive”.
  - Bloc voting by the majority usually defeats the minority’s candidate of choice.

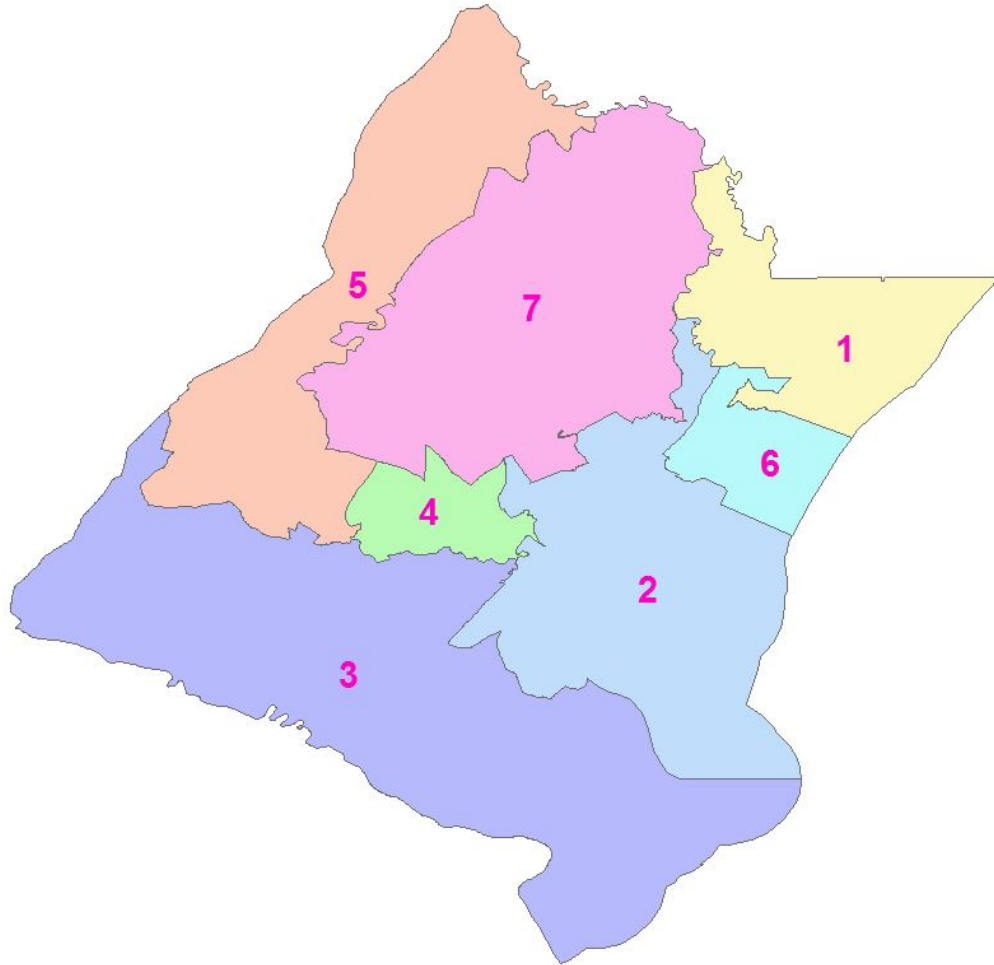




## Voting Rights Act – SC Example

- U.S. v. Georgetown County School District (2008)
  - 9 Members elected at-large in partisan contest.
  - Chairperson elected at large in partisan county-wide election.
  - Population 55,797 - 21,541 (38.6%) black and 33,307 (59.7%) white.
  - VAP (voting age population) 41,753 - 14,235 (34.1%) black and 26,859 (64.3%) white.
  - Consent decree to go to 7 County Council districts with 2 at-large members. Chair will be elected from board by the board.
  - Plan created to provide for 3 Majority-Minority Districts.
  - Legislative delegation passed legislation implementing the plan as outlined in consent decree

# Voting Rights Act



District	Population	Dev.	%Dev	NH_Blk	%NH_BLK	VAP	%VAP	NH_BVAP	%NH_BVAP
1	8108	137	1.72%	521	6.43%	6965	85.90%	377	5.41%
2	7943	-28	-0.35%	1683	21.19%	6160	77.55%	1151	18.69%
3	7785	-186	-2.33%	4748	60.99%	5530	71.03%	3195	57.78%
4	8074	103	1.29%	5198	64.38%	5520	68.37%	3274	59.31%
5	8058	87	1.09%	2619	32.50%	5697	70.70%	1678	29.45%
6	7850	-121	-1.52%	1389	17.69%	6266	79.82%	945	15.08%
7	7979	8	0.10%	5290	66.30%	5615	70.37%	3542	63.08%
Totals	55797		4.05%	21448		41753		14162	

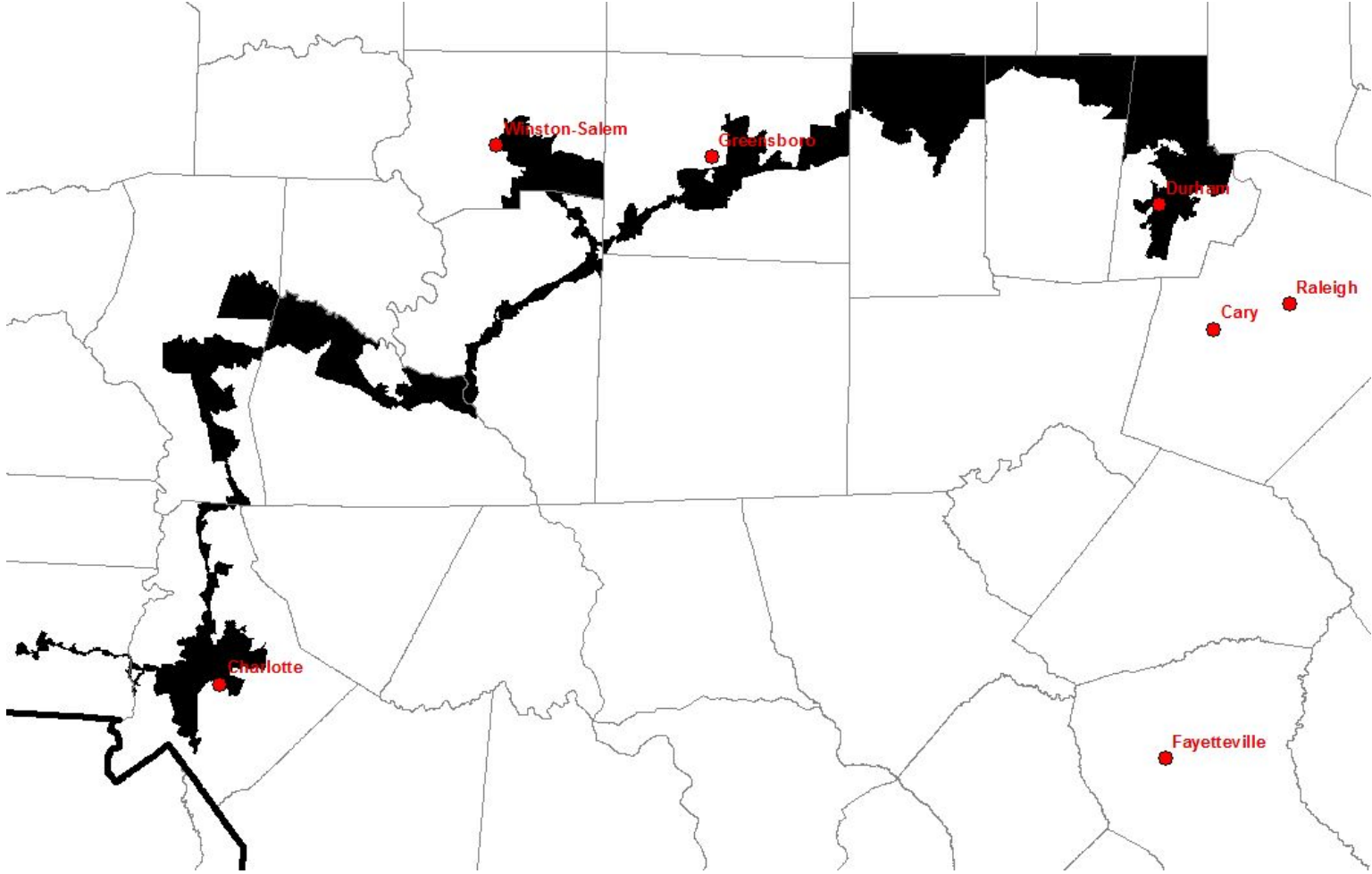


# Key Issues – Racial Gerrymandering



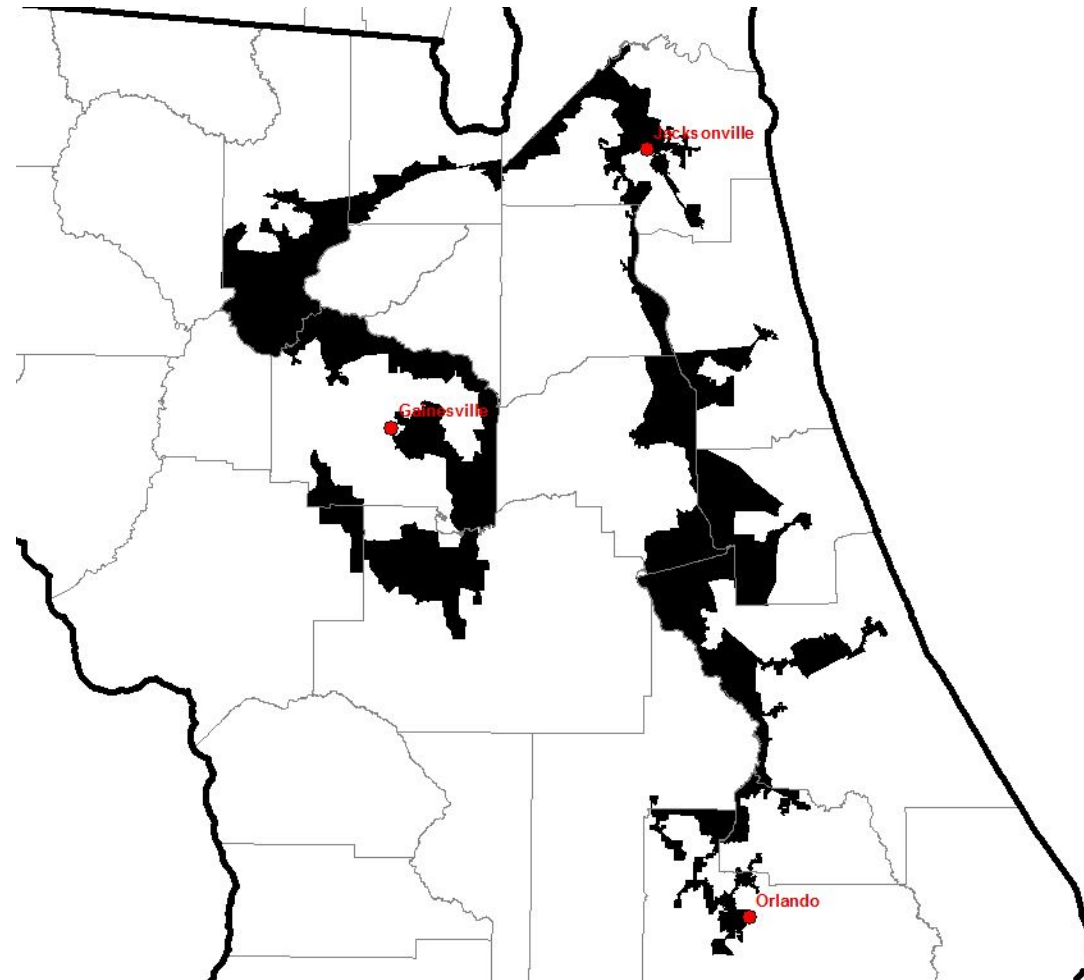
- Shaw v. Reno (1993) – First racial gerrymandering case to reach the Supreme Court. Court ruled racial gerrymandering was a violation of Equal Protection.
- Bush v. Vera (1996) – Race should not be a predominate factor in drawing plans. Race can be a factor, but must be subordinate to traditional redistricting principles. If redistricting principles were subordinate to race, then strict scrutiny can apply to a redistricting plan by the court.
- Strict scrutiny of a plan requires court to determine if the state had a compelling interest in creating a district with race as predominate factor.
- Alabama Legislative Black Caucus v. Alabama (2015) – “A racial gerrymandering claim, however, applies to the boundaries of individual districts.”

# Shaw v. Reno



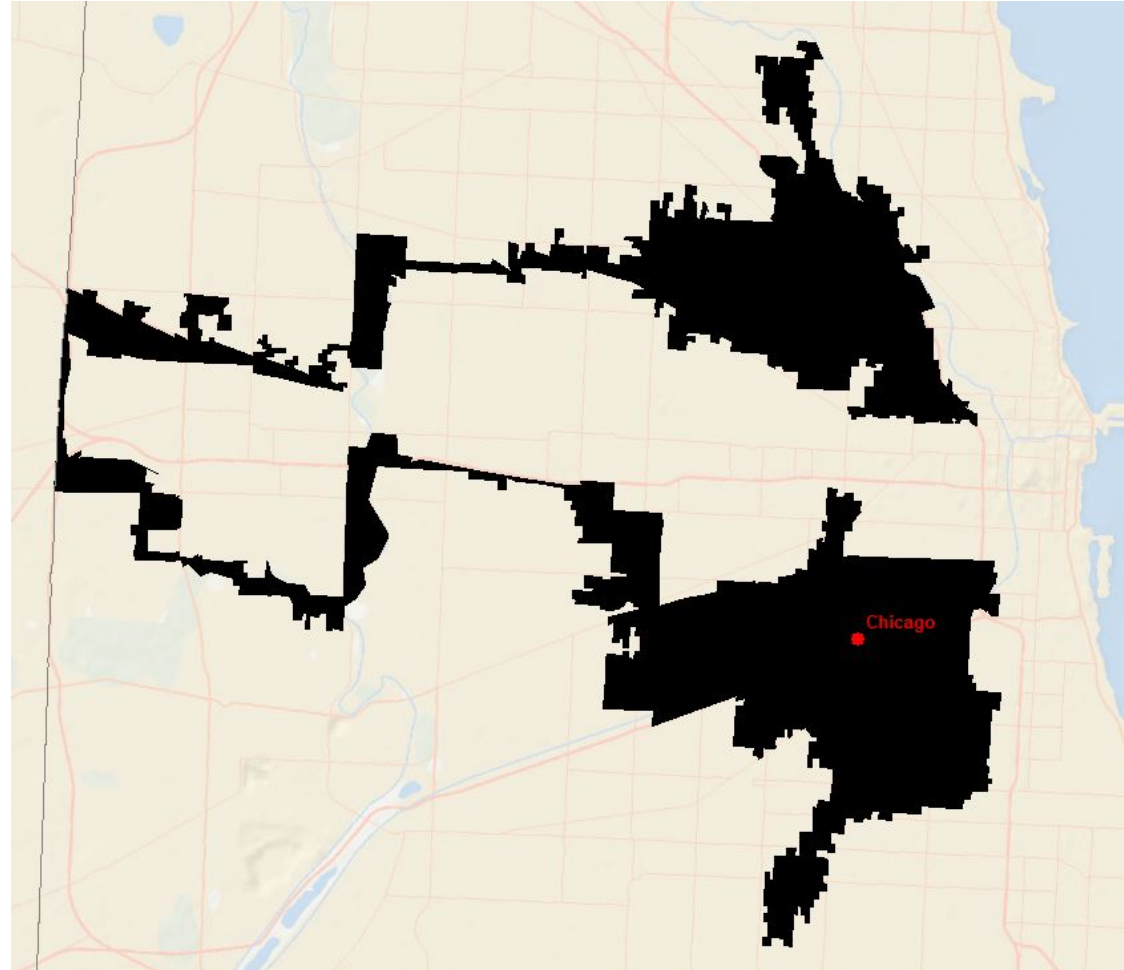
# Other Crazy Shapes

Florida Congressional District 3

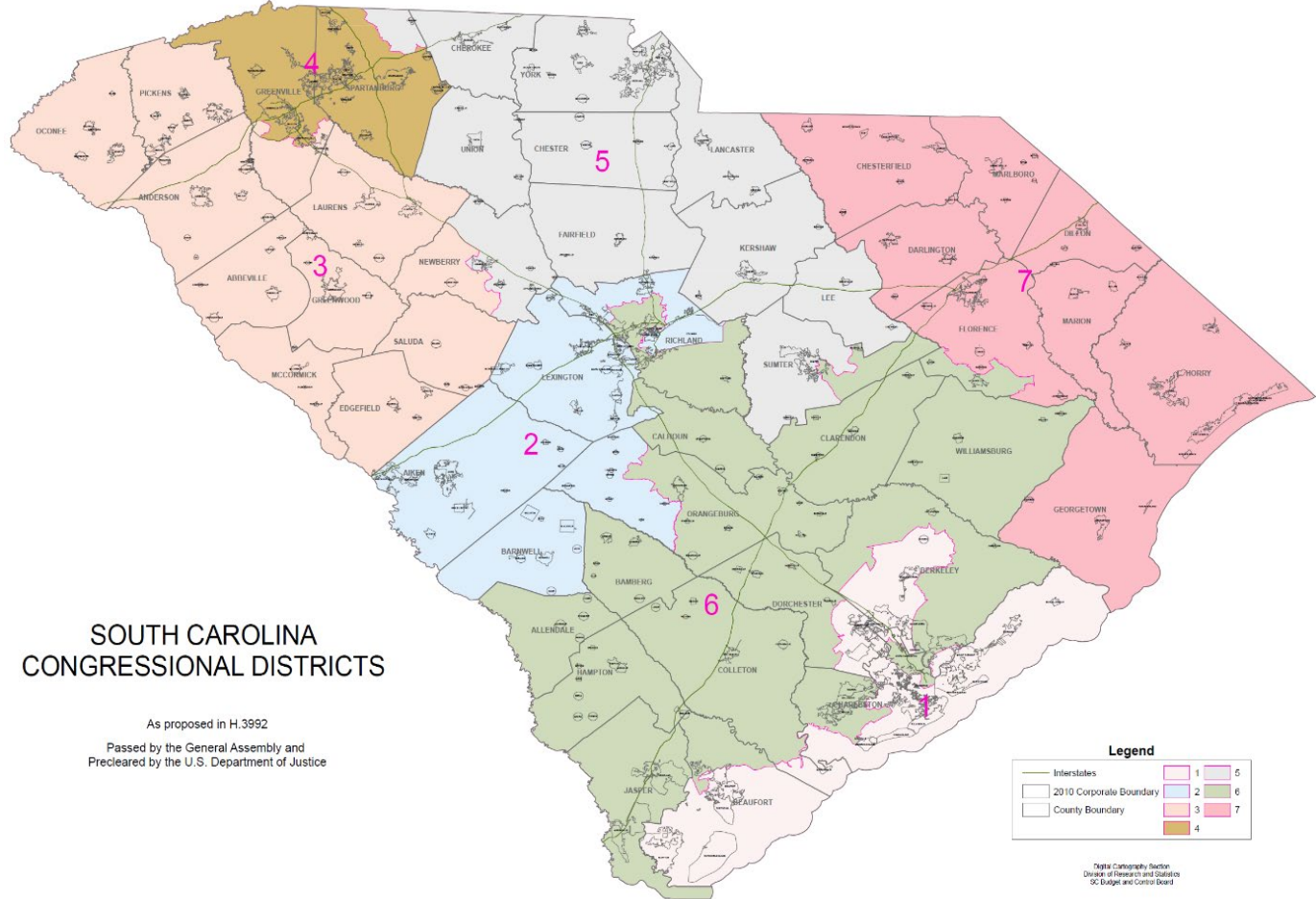


# Other Crazy Shapes

Illinois Congressional District 4



# South Carolina Congressional Districts



## SOUTH CAROLINA CONGRESSIONAL DISTRICTS

As proposed in H. 3992  
Passed by the General Assembly and  
Precleared by the U.S. Department of Justice

## Key Issues - Political Gerrymandering

- US Supreme Court 2018 – Rucho et al. v Common Cause et al  
Partisan gerrymandering presents political questions beyond the reach of the federal courts  
One person one vote does not extend to political parties  
Elections clause gives Congress the power to reform





# Key Issues – Prison Gerrymandering

- Concerns
  - Including prisons in population count inflate the power of residents and violate one person one vote
  - Math may distort representation
- Reasons
  - Prisons and prisoner impact services
- RFA will exclude prison population



## Key Issues – Master Bedroom Rule

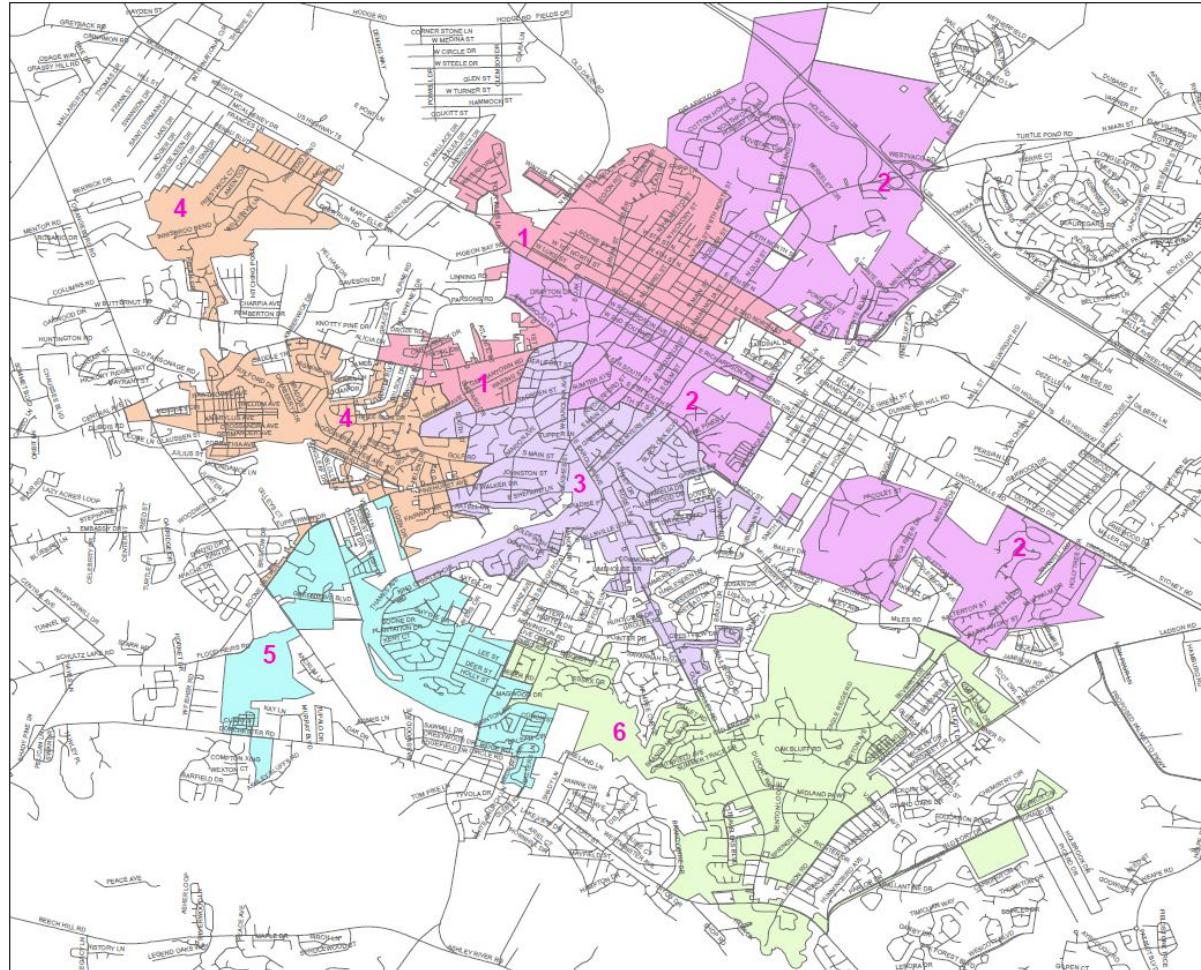
- Common practice is that the residency of a voter is where the master bedroom lies.
  - **AG Opinion July 27, 1987** – in close cases, courts look to the location of the sleeping accommodations in the residence to determine where one lives.
  - **Dukes v. Redmond (2004)** - A person's residence is the part of his property on which the dwelling is actually located. (cites Application of Davy)
  - **Application of Davy (1952)** – domicile is determined by the locality where the main activities of a home are carried on.
- Residency is not the mailbox, driveway, etc.



# Traditional Redistricting Principles

- Contiguousness – All parts of the districts must be touching. Point contiguity is acceptable.
- Compactness – Districts should be able to pass an “eye” test as well as can be measured by statistical models.
- Constituent Consistency – preserving the core of existing districts and protecting incumbents.
- Communities of Interest – Counties, Cities, Towns, School Districts, Neighborhoods,...
- Voting Precincts – General Assembly has the authority to redraw voting precincts. Precincts are typically redrawn after redistricting has occurred or a large population change in one geographic area. RFA is responsible for voting precincts per SC Code of Laws §1-11-360

# Contiguous?



# HOW DOES A LOCAL GOVERNMENT ATTORNEY HELP?



# Key Tasks

- Advise the council members of this potential requirement as soon as possible
- Know when the next general election is after the release of the Census
- Contact our office or other professional for assistance
- Designate one lead contact to coordinate with our office
- Help verify record of local boundary and election districts
- Notify others affected entities of process and timeline
  - County Elections Office (need time to process changes)
  - School Board or other entities that may follow same district lines
- Draft necessary ordinances, help with scheduling timeline
- Plan on public hearing
- Ensure proper documentation and retention of records
- Consider pending annexations



# Key Goals – Resolutions

- Adhere to the court ordered constitutional requirement of one person, one vote
  - County Councils must adhere to a state law of population variance under 10%
- Adherence to the 1965 Voting Rights Act as amended and by controlling court decisions
  - A redistricting plan should not have either the purpose or the effect of diluting minority voting strength and should otherwise comply with the Voting Rights Act, the Fourteenth and Fifteenth Amendments to the U.S. Constitution, and the decisions of the U.S. Supreme Court.
- Ensure that parts of the districts are contiguous
  - All districts will be composed of contiguous geography. Contiguity by water is acceptable . Point-to-point contiguity is acceptable so long as adjacent districts do not use the same vertex as points of transversal.
- Attempt to keep compact districts.
- Attempt to maintain constituent consistency
  - Efforts will be made to preserve cores of existing districts.
- Respect Communities of Interest
  - Where practical, districts should attempt to preserve communities of interest.
- Avoid splitting voting precincts
- Solicit public input



## Final Thoughts

- Proactive vs Reactive
- Transparent





**SO, IN CONCLUSION,  
REMEMBER ...**



**“You can’t always get what you want,  
but if you try sometimes,  
you might find,  
you get what you need.”**

**- The Rolling Stones**



# Referenced Laws and Court Cases

- **U.S. Constitution art. I, §2** – Sets apportionment of Congressional seats based on decennial census numbers.
- **S.C. Code §5-3-90** – Annexation information must be provided to 3 state agencies; DOT, Secretary of State, and DPS.
- **Act #88 of 2015** - RFA must be notified of annexations 30 days after an ordinance is passed.
- **U.S. Constitution art. I, §2, Clause 3**– Calls for Census in 1790 and every ten years thereafter.
- **Home Rule Act of 1975, Act #282, 1975** – Gave counties and municipalities “Home Rule” authority of self-governance. It requires County Council redistricting after decennial census.
- **14<sup>th</sup> Amendment to the U.S. Constitution** – Equal Protection.
- **Evenwel v. Abbott 578 U.S. 54 (2016)** – Total population can be used for satisfying one person, one vote criteria.
- **Wesberry v. Sanders, 376 U.S. 1 (1964)** – Congressional districts must be drawn as nearly equal in population as practicable.
- **Reynolds v. Sims, 377 U.S. 533 (1964)** – Allows more population variance in legislative redistricting than congressional redistricting.
- **Gaffney v. Cummings, 412 U.S. 735 (1973)** – The 10% population variance is not a safe haven for a one person, one vote claim.
- **Fraser v. Jasper County School District, Civil Action No.9:14-cv-2578-SB** – South Carolina example of one person, one vote lawsuit.
- **1965 Voting Rights Act Section 5** – requires jurisdictions covered under the VRA to submit to the U.S. Department of Justice any changes in law impacting voting.
- **Dukes v. Redmond, 357 S.C. 454 (2004)** – a person’s residence is the part of his property on which the dwelling is actually located.
- **Application of Davy, 281 A.D. 137 (1952)** – a persons domicile is where a person carries on the main activities of the home.
- **Op. Atty. Gen. dated July 27, 1987** – in close cases the location of the sleeping accommodations in the residence is used to determine where one resides.



# Referenced Laws and Court Cases

- **Shelby v. Holder (2013) – 570 U.S. 529 (2013)** – South Carolina is no longer under Section 5 of the VRA according to the historical formula requiring compliance
- **1965 Voting Rights Act Section 4(b)** – formula for covering jurisdictions under Section 5 DOJ submission requirement.
- **1965 Voting Rights Act Section 2** – Prohibits implementing voting practices or procedures that discriminate against a person on the basis of race, color, or language.
- **Thornburg v. Gingles 478 U.S. 30 (1986)** – 3 prong test for vote dilution claim.
- **U.S. v Georgetown County School District Civil Action No. 2:08-889 DCN,** – South Carolina example of Section 2 lawsuit in South Carolina.
- **Shaw v. Reno, 509 U.S. 630 (1993)**– First racial gerrymandering case to reach the Supreme Court. Racial gerrymandering is a violation of Equal Protection.
- **Bush v. Vera, 517 U.S. 952 (1996)** – Strict scrutiny of redistricting plan if determined race was the predominate factor of redistricting.
- **Alabama Legislative Black Caucus v. Alabama 135 S. Ct. 1257, 1263 (2015)** – “A racial gerrymandering claim, however, applies to the boundaries of individual districts.” Alabama’s criteria to try to maintain benchmark minority percentages in minority majority districts was an incorrect interpretation of retrogression under Section 5.
- **S.C. Code §1-11-360** – RFA has authority over precinct maps. RFA is responsible for coordinating precinct changes with members of the General Assembly.
- **Elliot v. Richland County, 472 S.E.2d 256 (1996)** – There is only one shot per decade to redistrict
- **Moye v. Caughman 217 S.E.2d36 (1975)** – S.C. Legislature has authority over school district redistricting plans.
- **Vander Linden v. Hodges, 193 F.3d268 (1999)** – Weighted vote is used for legislative delegation voting.
- **Calvin v. Jefferson County Board of Commissioners, Case No.4:15vc131-MW/CAS (2015)**– prison population must have a “representational nexus” with the community to be included in a redistricting plan.
- **Rucho et al. v Common Cause et al. 139 S. Ct. 2484 (2019)** - Partisan gerrymandering presents political questions beyond the reach of the federal courts



## Relevant Laws and Court Cases

- **Act 283 of 1975 – Home Rule Act**
  - County Council must redistrict to population of less than 10% deviation.
  - Change of government triggered by petition of registered voters (15% municipality, 10% County) or ordinance of council. Must go through referendum.
- **Elliott v. Richland County 472 S.E.2d 256 (1996)** – one shot at redistricting per decade.
- **Moye v. Caughman 217 S.E.2d 36 (1975)** – Legislature has authority over redistricting of school districts. School districts are creatures of the General Assembly.
- **Vander Linden v. Hodges 193 F.3d 268 (1999)** – Weighted voting for legislative delegation.



**Questions?**

**Thank You!**

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